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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/927,906 | 08/09/2001 | Chakki Kavoori | I4303.0053 | 5185 |

38881 7590 12/08/2008

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| EXAMINER |
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TANG, KENNETH

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| ART UNIT | PAPER NUMBER |
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2195

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| MAIL DATE | DELIVERY MODE |
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12/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|--|--------------------------------------|---------------------------------------|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | Application No. 09/927,906 | Applicant(s) KAVOORI ET AL. | |
| | Examiner KENNETH TANG | Art Unit 2195 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: 29-34.
- Claim(s) objected to: 5, 7, 10 and 14-17.
- Claim(s) rejected: 1-4, 6, 8, 9, 11-13 and 26-28.
- Claim(s) withdrawn from consideration: 18-25 and 35-40.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

/Kenneth Tang/
Examiner, Art Unit 2195

Continuation of 11. does NOT place the application in condition for allowance because: Applicant filed a second after-final Response and requested an interview after prosecution was closed. The Examiner stated allowable subject matter that would place the application in condition for allowance. No agreement was made. Applicant wanted to discuss the written Remarks. The Examiner responds to the Remarks on the record in this Advisory Action. Similarly to the first after-final response, Applicant continues to attack the references individually by ignoring how Rawson teaches the claimed invention. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, Applicant's arguments were not found to be persuasive. Rejections were made under 35 USC 103 involving Fleeson in view of Rawson. Applicant makes arguments for Fleeson but does not provide any support for any arguments in Rawson. 10. As demonstrated in the final office action, Rawson teaches another communication device (col. 3, lines 19 - 21) having a resource list with a plurality of required resource modules (Fig. 3, Abstract, col. 5, lines 20-52, col. 2, lines 43-56). Specifically, the resource list is implemented as a linked list such that each entry has a pointer pointing to the next required resource module (col. 6, lines 57 - col. 7, line 4). Once the first entry of the list is located, the system obtains the parameters for the next resource module based upon the pointer of the previous resource module. The system repeats the process in real time until all the resource modules are programmed accordingly. "A process is promoted to the run queue if it is not blocked waiting on any other system event AND it has all of its resource requirements satisfied" (col. 8, lines 27-30 and emphasis added by the Examiner). The system, inherently has to traverse the resource linked list for the selected process in real time to complete the stated functions (col. 5, lines 20-52). Applicant does not provide any arguments regarding the motivation to combine Rawson and Fleeson but just attacks the references individually by making arguments on the reference of Fleeson alone. Therefore, Applicant's arguments were not found to be persuasive, and the application is not in condition for allowance.